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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation Of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

EDMOND A. GOREK,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-4623 (SMB)

**NOTICE OF DEFENDANT EDMOND A. GOREK'S MOTION
TO DISMISS COUNTS 2-6 OF THE COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Edmond A. Gorek's Motion to Dismiss Counts 2-6 of the Complaint and to require the Trustee to replead Count 7 to the extent it seeks recovery of subsequent

transfers other than transfers avoided pursuant to Section 548(a)(1) of the Bankruptcy Code (the "Motion to Dismiss"), all prior papers and proceedings herein, and such other and further arguments as may be presented prior to and the hearing on the motion, Defendant Edmond A. Gorek, by his undersigned counsel, will move to dismiss Counts 2-6 of the complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Bankruptcy Rule 7012(b)(6) and to require the Trustee to replead Count 7 to the extent it seeks recovery of subsequent transfers other than transfers avoided pursuant to Section 548(a)(1) of the Bankruptcy Code before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, NY 10004, Room 623 at a hearing to be held on the Motion to Dismiss at a date to be determined by the Bankruptcy Judge in accordance with the procedures applicable to adversary proceedings.

Dated: February 27, 2014
New York, New York

Respectfully submitted,

DAY PITNEY LLP

By: /s/ Thomas D. Goldberg
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